

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOAH CARTER	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
SMITH, et al.,	:	No. 94-6326
	:	
Defendants.	:	

MEMORANDUM-ORDER

Green, S.J.

,1997

Presently before this court is Defendants' Motion to Dismiss the Plaintiff's 42 U.S.C. § 1983 claim pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, and Plaintiff's response thereto. For the reasons given below, the Defendants' motion will be granted in part and denied in part.

Factual Background

Plaintiff is an inmate at the State Correctional Institution at Mahanoy ("Mahanoy"). He commenced this pro se action, alleging violations of his constitutional rights under 42 U.S.C. § 1983. Plaintiff claims that certain corrections officers and officials inflicted cruel and unusual punishment on him by issuing a false misconduct report, resulting in Plaintiff being sanctioned to disciplinary custody in the Restrictive Housing Unit ("RHU").

Plaintiff alleges that Defendants Smith and Beam issued a misconduct report falsely charging him with refusing to obey an

order and placed him in the RHU. Five days later, Defendant Dragovich allegedly told the Plaintiff that he would investigate the reasons for Plaintiff's placement in the RHU. After investigating the matter, Dragovich and Superintendent Phillips both ultimately supported Smith and Beam's disciplinary actions.

Seven days after the issuance of the misconduct report, Department of Corrections ("DOC") Hearing Examiner, Defendant Canino conducted a disciplinary hearing on the charges against the Plaintiff. She found him guilty of the charges and ordered him into further disciplinary custody in the RHU. Plaintiff appealed Canino's decision, which was subsequently upheld by the DOC's Central Office.

Discussion

The Eighth Amendment Claim

Dismissal of a complaint for failure to state a claim is appropriate where it is certain that no relief could be granted under any set of facts that could be proved. Conley v. Gibson, 355 U.S. 41, 45-46, 78 S. Ct. 99, 102 (1957).

Plaintiff contends that, the issuance of the allegedly false misconduct report and his placement in the RHU constitutes cruel and unusual punishment in violation of the Eighth Amendment. In Rhodes v. Chapman, 452 U.S. 337, 346, 101 S.Ct. 2392, 2399 (1981), the United States Supreme Court held that only those conditions of confinement that result in "serious deprivations of basic human needs" or, involve the "wanton and unnecessary infliction of pain" amount to cruel and unusual

punishment. Plaintiff has not set forth any facts that would permit a reasonable jury to find, that the RHU confinement constituted cruel and unusual punishment.

It is well-settled that segregated detention is not cruel and unusual punishment per se, as long as the conditions of confinement are not foul, inhuman or totally without penological justification. See Young v. Quinlan, 960 F.2d 351, 364 (3d Cir. 1992); Smith v. Coughlin, 748 F.2d 783, 787 (2d Cir. 1984); Ford v. Board of Managers of New Jersey State Prison, 407 F.2d 937, 940 (3d Cir. 1969). Here, Plaintiff was sanctioned to segregated confinement pursuant to a disciplinary charge after he allegedly disobeyed an order. The allegations of the complaint are insufficient to state a claim for cruel and unusual punishment even if the disciplinary housing was premised upon a false report.

Fourteenth Amendment Claim

Plaintiff also claims that Defendants' above-mentioned actions violated his right to procedural due process under the Fourteenth Amendment. Defendants contend that Plaintiff's due process claims must fail, because he had no protected liberty interest in remaining in the general prison population and out of restrictive housing. Sandin v. Conner, 515 U.S. 472, 476, 115 S. Ct. 2293, 2300 (1995).

In Sandin, the Supreme Court held that no liberty interest is involved where the state action does not "impose atypical and significant hardship on an inmate in relation to the

ordinary incidents of prison life." The baseline for determining what is "atypical and significant" is defined by what an inmate may reasonably expect to encounter as a result of his conviction in accordance with due process of law. Griffin v. Vaughn, 112 F.3d 703 (3d Cir. 1997).

Accepting Plaintiff's allegations as true, and viewing them in the light most favorable to him, he has not set forth any facts that would indicate he was subjected to the type of "atypical" conditions that implicate the due process clause. Plaintiff merely alleges that he should not have been placed in the RHU. However, disciplinary confinement falls within the expected parameters of a prison sentence and prison conditions may well involve significant amounts of "lockdown" time for inmates. Sandin, 515 U.S. at 477, 115 S. Ct. at 2301. Thus, absent allegations by Plaintiff that his confinement in the RHU represented a "dramatic departure from basic prison conditions," or imposed an "atypical and significant hardship" upon him, his due process claim must fail.

Claims against Lehman

Plaintiff alleges similar claims against former DOC Commissioner Lehman. Liability under § 1983 requires a "causal connection between the defendant's conduct and the deprivation suffered by the plaintiff." Best v. Essex County, New Jersey Hall of Records, 986 F.2d 54, 56 (3d Cir. 1993). Since Plaintiff has not alleged any facts showing personal involvement by Defendant

Lehman in the alleged wrongdoing, his § 1983 claims against Lehman will be dismissed. An appropriate order follows.